

AMENDED IN ASSEMBLY APRIL 3, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 670

Introduced by Assembly Member Mazzoni

February 26, 1997

An act to amend Sections 33050, 41330, 41332, 41335, 52122, 52123, and 52128 of, to add and repeal Chapter 19 (commencing with Section 17200) to Part 10 of, and to repeal Chapter 23 (commencing with Section 17770) of Part 10 of, the Education Code, relating to class size reduction, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 670, as amended, Mazzoni. Class size reduction.

(1) Existing law establishes the Class Size Reduction Facilities Funding Program for the purpose of assisting school districts with the facilities-related costs associated with reducing class size in kindergarten and grades 1 to 3, inclusive, pursuant to the Class Size Reduction Program. Existing law provides that any school district that seeks to qualify for funding under the Class Size Reduction Facilities Funding Program and that does not currently qualify for new construction funding under the Leroy F. Greene State School Building Lease-Purchase Law of 1976 (Greene Act) shall complete specified calculations, which include determining the number of available teaching stations.

This bill would ~~repeal and~~ add *and repeal* the Class Size Reduction Facilities Funding Program in order to preserve

the program from repeal January 1, 1998, due to Legislation reorganizing a portion of the Education Code. The bill would provide that a school district does not need to count the number of teaching stations at a schoolsite under lease to outside agencies, *child care facilities, or computer labs* to qualify for funding, ~~provided that all lease revenues from those schoolsites are offset against the funds that would otherwise be allocated to the school district pursuant to the Class Size Reduction Facilities Funding Program.~~

(2) *Existing law requires a school district that does not qualify for new construction funding under specified law to, among other things, identify by grade level all available teaching stations in schools in the school district that serve kindergarten or any of grades 1 to 8, inclusive, in order to qualify for funding pursuant to the Class Size Reduction Facilities Funding Program.*

This bill would instead require the identification by grade level of all available teaching stations in schools in the school district that serve kindergarten or any of grades 1 to 6, inclusive.

(3) Under existing law, the governing board of a school district or a county board of education may request the State Board of Education to waive all or part of any section of the Education Code or any regulation adopted by the State Board of Education that implements the Education Code, except certain listed provisions, including that the State Board of Education may not waive the Class Size Reduction Program in kindergarten and grades 1 to 3, inclusive.

This bill would instead provide that the State Board of Education may not waive a certain provision of the Class Size Reduction Program relating to the maximum number of pupils in each classroom.

~~(3)~~

(4) Existing law requires the Superintendent of Public Instruction to, on or before July 15th of each year, certify to the Controller the amounts estimated to be apportioned to each effective school district during the current fiscal year, in part on the basis of the report of the school districts for the second principal apportionment of the preceding fiscal year.

This bill would provide that commencing in the 1997–98 fiscal year, the Superintendent of Public Instruction shall include in this certification the amounts estimated to be apportioned to each school district during the current fiscal year pursuant to the Class Size Reduction Program. The bill would include in the first principal apportionment and the second principal apportionment the amounts allowed to each school district under the Class Size Reduction Program.

~~(4)–~~

(5) Existing law requires a school district that intends to implement or continue to implement a Class Size Reduction Program for the 1997–98 school year and any subsequent school year to submit an application for funding to the Superintendent of Public Instruction not later than the June 30 prior to the commencement of the new school year. Existing law requires a school district’s application for funding to implement a Class Size Reduction Program to include, among other things, the district’s certification that the school district has maintained class sizes of not more than 20 pupils per each class that was reduced through previous apportionments made under the Class Size Reduction Program.

This bill would require an application for funding to be submitted 30 days following the adoption of the annual Budget Act for that school year. The bill would delete the certification that the school district has maintained class sizes of not more than 20 pupils per each class that was reduced through previous apportionments from those required of a school district that applies for funding to implement a Class Size Reduction Program.

~~(5)–~~

(6) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 19 (commencing with Section
2 17200) is added to Part 10 of the Education Code, to read:
3



CHAPTER 19. CLASS SIZE REDUCTION FACILITIES
FUNDING

17200. There is hereby established the Class Size Reduction Facilities Funding Program, for the purpose of assisting school districts and charter schools with the facilities-related costs associated with reducing class size in kindergarten and grades 1 to 3, inclusive, pursuant to Chapter 6.10 (commencing with Section 52120) of Part 28. For the purposes of this chapter, any reference to school districts shall be deemed to include charter schools.

17201. The Legislature finds and declares as follows:

(a) The reduction of class size in the early primary grades leads to significant and sustained improvement in the academic achievement levels of pupils. In enacting the Class Size Reduction Program pursuant to Chapter 6.10 (commencing with Section 52120) of Part 28, the Legislature is seeking an orderly and efficient transition to smaller class sizes in the 1996–97 school year. Accordingly, the Legislature has allowed school districts to delay implementation of a class size reduction program in the respective districts until February 16, 1997, but receive operational funding pursuant to Section 52126 as if the program had operated for the entire 1996–97 school year.

(b) The Legislature further finds and declares that the first priority for expenditure of the accrued savings in operational funding due to the delayed implementation date in the 1996–97 school year shall be for facilities-related costs of class size reduction.

(c) The Legislature further finds and declares that the eligibility of a school district under the Leroy F. Greene State School Building Lease-Purchase Law of 1976 (Chapter 12 (commencing with Section 17000)) shall not be affected by the provisions of this chapter.

17202. An application for funding under this chapter, the form of which shall be developed by the Superintendent of Public Instruction by August 1, 1996, shall be submitted by each school district that elects to

1 apply for funding under this chapter to the
2 Superintendent of Public Instruction by October 1, 1996,
3 and shall include the following certifications by the
4 governing board of the school district:

5 (a) Certification of the number of new classes that
6 will be established by the school district solely for the
7 purpose of reducing class size in grade 1 pursuant to the
8 Class Size Reduction Program contained in Chapter 6.10
9 (commencing with Section 52120) of Part 28.

10 (b) Certification of the number of new classes that will
11 be established by the school district solely for the purpose
12 of reducing class size in grade 2 pursuant to the Class Size
13 Reduction Program contained in Chapter 6.10
14 (commencing with Section 52120) of Part 28.

15 (c) Certification of the number of new classes that will
16 be established by the school district solely for the purpose
17 of reducing class size in kindergarten or grade 3 pursuant
18 to the Class Size Reduction Program contained in
19 Chapter 6.10 (commencing with Section 52120) of Part
20 28.

21 (d) Certification that, for the grades in which class
22 sizes are to be reduced, the school district can show either
23 of the following:

24 (1) The school district is qualified as of the date of the
25 application for new construction funding under the
26 Leroy F. Greene State School Building Lease-Purchase
27 Law of 1976 (Chapter 12 (commencing with Section
28 17000)) on a districtwide basis or for the relevant school
29 attendance area, as defined in Section 17041.

30 (2) The school district has insufficient space to house
31 all the new classes that need to be established in order for
32 the district to participate in the Class Size Reduction
33 Program contained in Chapter 6.10 (commencing with
34 Section 52120) of Part 28, as demonstrated through the
35 eligibility calculation specified in Section 17203 that shall
36 be certified by the governing board of the school district.

37 17203. Any school district that seeks to qualify for
38 funding under this chapter and that does not currently
39 qualify for new construction funding under the Leroy F.
40 Greene State School Building Lease-Purchase Law of

1 1976 (Chapter 12 (commencing with Section 17000))
2 shall complete the following calculations either on a
3 districtwide basis or on the basis of each attendance area,
4 as defined in Section 17041, to demonstrate eligibility for
5 funding under this chapter:

6 (a) Identify by grade level all available teaching
7 stations in the schools in the school district that serve
8 kindergarten or any of grades 1 to —8 6, inclusive. For the
9 purposes of this section, “teaching station” shall be
10 determined as specified in Sections 17042.5 and 17042.7.

11 (b) Determine the number of teaching stations
12 available for class size reduction by calculating the
13 number of pupils that may be housed in existing teaching
14 stations, utilizing the loading standards established by the
15 State Allocation Board or the district loading standards
16 pursuant to paragraph (2) of subdivision (a) of Section
17 17042.7. For the purposes of this calculation, a school
18 district may utilize any of the following:

19 (1) The current number of pupils in the school district.

20 (2) The projected number of pupils, as determined
21 under the Leroy F. Greene State School Building
22 Lease-Purchase Law of 1976 (Chapter 12 (commencing
23 with Section 17000)).

24 (3) The projected number of pupils, as determined
25 under the Emergency School Classroom Law of 1979
26 (Chapter 14 (commencing with Section 17085)).

27 (c) A school district does not need to count the
28 number of teaching stations at a schoolsite under lease to
29 ~~outside agencies, provided that all lease revenues from~~
30 ~~those schoolsites are offset against the funds that would~~
31 ~~otherwise be allocated to the school district pursuant to~~
32 ~~this chapter.~~ *outside agencies, child care facilities, or*
33 *computer labs.*

34 17204. (a) If, pursuant to the calculations made
35 pursuant to subdivision (b) of Section 17203, the school
36 district has no available teaching stations for the
37 additional classes created by its class size reduction
38 program, the school district shall qualify for funding
39 pursuant to this chapter for each additional teaching
40 station that needs to be established to reduce class size to

1 not more than 20 pupils pursuant to Chapter 6.10
2 (commencing with Section 52120) of Part 28.

3 (b) If, pursuant to the calculations made pursuant to
4 subdivision (b) of Section 17203, the school district has an
5 insufficient number of teaching stations available for its
6 class size reduction program, the school district shall
7 qualify for funding available under this chapter only for
8 each additional teaching station that needs to be
9 established to reduce class size to not more than 20 pupils
10 pursuant to Chapter 6.10 (commencing with Section
11 52120) of Part 28 that reasonably cannot be housed in
12 available teaching stations.

13 (c) If, pursuant to the calculations made pursuant to
14 subdivision (b) of Section 17203, the school district has no
15 need for additional teaching stations in order to
16 implement its class size reduction program to not more
17 than 20 pupils pursuant to Chapter 6.10 (commencing
18 with Section 52120) of Part 28, the school district shall not
19 qualify for funding under this chapter.

20 17205. (a) From the sum appropriated for the
21 purposes of this chapter, the Superintendent of Public
22 Instruction shall apportion to each applicant school
23 district the sum of twenty-five thousand dollars (\$25,000)
24 for each additional teaching station that needs to be
25 established for the purposes of class size reduction that
26 cannot be housed in existing teaching stations, as
27 determined pursuant to this chapter.

28 (b) (1) If the funds appropriated for the purposes of
29 this chapter are insufficient to fund all applicant school
30 districts pursuant to this chapter, the Superintendent of
31 Public Instruction shall first apportion funds for all
32 applications from school districts related to reducing class
33 size in grade 1. If funds are insufficient to fund all
34 applications related to reducing class size in grade 1, the
35 Superintendent of Public Instruction shall apportion to
36 each applicant school district its pro rata share of funding
37 for all new grade 1 teaching stations that need to be
38 established for the purpose of class size reduction. In
39 determining the pro rata share for each school district the
40 Superintendent of Public Instruction shall round to the

1 nearest twenty-five thousand dollar (\$25,000) increment,
2 but no qualifying school district shall receive less than
3 twenty-five thousand dollars (\$25,000).

4 (2) If funds remain available after funding all
5 applications related to reducing class size in grade 1, the
6 Superintendent of Public Instruction shall next apportion
7 funds for all applications related to reducing class size in
8 grade 2. If funds are insufficient to fund all applications
9 related to reducing class size in grade 2, the
10 Superintendent of Public Instruction shall apportion to
11 each applicant school district its pro rata share of funding
12 for all new grade 2 teaching stations that need to be
13 established for the purpose of class size reduction. In
14 determining the pro rata share for each school district the
15 Superintendent of Public Instruction shall round to the
16 nearest twenty-five thousand dollar (\$25,000) increment,
17 but no qualifying school district shall receive less than
18 twenty-five thousand dollars (\$25,000).

19 (3) If funds remain available after funding all
20 applications related to reducing class size in grades 1 and
21 2, the Superintendent of Public Instruction shall then
22 apportion funds for applications related to reducing class
23 size in kindergarten or grade 3. If funds are insufficient
24 to fund all applications related to reducing class size in
25 kindergarten or grade 3, the Superintendent of Public
26 Instruction shall apportion to each applicant school
27 district its pro rata share of funding for all new
28 kindergarten or grade 3 teaching stations that need to be
29 established for the purpose of class size reduction. In
30 determining the pro rata share for each school district the
31 Superintendent of Public Instruction shall round to the
32 nearest twenty-five thousand dollar (\$25,000) increment,
33 but no qualifying school district shall receive less than
34 twenty-five thousand dollars (\$25,000).

35 17206. The amount apportioned for each additional
36 teaching station pursuant to Section 17205 shall be
37 increased by 15 percent for teaching stations located at
38 schoolsites for which the governing board of the school
39 district certifies that the funds will be used for portable
40 classrooms and for which the Superintendent of Public

1 Instruction determines that those schoolsites require
2 portable classrooms specially designed to accommodate
3 a snow load.

4 17207. (a) Funds allocated to school districts
5 pursuant to this chapter shall be expended solely for the
6 purpose of facilities-related costs associated with the
7 implementation of the Class Size Reduction Program
8 contained in Chapter 6.10 (commencing with Section
9 52120) of Part 28.

10 (b) Funds shall not be allocated to school districts
11 pursuant to this chapter for the purpose of assisting school
12 districts in implementing Option Two, as set forth in
13 paragraph (2) of subdivision (b) of Section 52122.

14 (c) Funds shall not be allocated to a school district
15 pursuant to this chapter if the school district fails to
16 submit to the Superintendent of Public Instruction an
17 application for funds by November 1, 1996, pursuant to
18 the Class Size Reduction Program contained in Chapter
19 6.10 (commencing with Section 52120) of Part 28.

20 (d) If a school district receives funding pursuant to this
21 chapter but has not implemented its class size reduction
22 program for all grades and classes for which it received
23 funding pursuant to this chapter, the Superintendent of
24 Public Instruction shall notify the Controller and the
25 school district in writing and the Controller shall deduct
26 an amount equal to the amount received by the school
27 district under this chapter for each class that the school
28 district failed to reduce to a class size of 20 or less pupils
29 from the school district's next principal apportionment or
30 apportionments of state funds to the district, other than
31 basic aid apportionments required by Section 6 of Article
32 IX of the California Constitution.

33 17208. This chapter shall become inoperative on June
34 30, 1999, and as of January 1, 2000, is repealed, unless a
35 later enacted statute, which becomes effective on or
36 before January 1, 2000, deletes or extends the dates on
37 which the chapter becomes inoperative and is repealed.

38 SEC. 2. Chapter 23 (commencing with Section 17770)
39 of Part 10 of the Education Code is repealed.

1 SEC. 3. Section 33050 of the Education Code is
2 amended to read:

3 33050. (a) The governing board of a school district or
4 a county board of education may, on a districtwide or
5 countywide basis or on behalf of one or more of its schools
6 or programs, after a public hearing on the matter, request
7 the State Board of Education to waive all or part of any
8 section of this code or any regulation adopted by the State
9 Board of Education that implements a provision of this
10 code that may be waived, except:

11 (1) Article 1 (commencing with Section 15700) and
12 Article 2 (commencing with Section 15780) of Chapter 6
13 of Part 10.

14 (2) Chapter 8 (commencing with Section 16000) and
15 Chapter 9 (commencing with Section 16400) of Part 10.

16 (3) Chapter 22 (commencing with Section 17700),
17 Chapter 23 (commencing with Section 17760), and
18 Chapter 25 (commencing with Section 17785) of Part 10.

19 (4) Part 13 (commencing with Section 22000).

20 (5) Section 35735.1.

21 (6) Paragraph (8) of subdivision (a) of Section 37220.

22 (7) The following provisions of Part 23:

23 (A) Chapter 1 (commencing with Section 39000).

24 (B) Article 1 (commencing with Section 39100) to
25 Article 6 (commencing with Section 39210), inclusive, of
26 Chapter 2.

27 (C) Section 39248; Sections 39313 to 39325, inclusive;
28 Sections 39360.5 and 39363 and subdivision (a) of Section
29 39363.5; and Sections 39618 to 39621, inclusive.

30 (8) Sections 52163, 52165, 52166, and 52178.

31 (9) Article 3 (commencing with Section 52850) of
32 Chapter 12 of Part 28.

33 (10) The identification and assessment criteria
34 relating to any categorical aid program, including
35 Sections 52164.1 and 52164.6.

36 (11) Sections 41000 to 41360, inclusive; Sections 41420
37 to 41423, inclusive; Sections 41600 to 41866, inclusive;
38 Sections 41920 to 42911, inclusive; Article 3 (commencing
39 with Section 44930) of Chapter 4 of Part 25; Part 26
40 (commencing with Section 46000) and Chapter 6

1 (commencing with Section 48900) and Chapter 6.5
2 (commencing with Section 49060) of Part 27; or
3 regulations in Title 5 of the California Code of Regulations
4 adopted pursuant to Article 3 (commencing with Section
5 44930) of Chapter 4 of Part 25.

6 (12) Section 51513.

7 (13) Paragraph (2) of subdivision (b) of Section 52122,
8 relating to the maximum number of pupils in each
9 classroom for the purposes of the Class Size Reduction
10 Program contained in Chapter 6.10 (commencing with
11 Section 52120) of Part 28.

12 (b) Any waiver of provisions related to the programs
13 identified in Section 52851 shall be granted only pursuant
14 to Article 3 (commencing with Section 52850) of Chapter
15 12 of Part 28.

16 (c) The waiver of an advisory committee required by
17 law shall be granted only pursuant to Article 4
18 (commencing with Section 52870) of Chapter 12 of Part
19 28.

20 (d) Any request for a waiver submitted by the
21 governing board of a school district or a county board of
22 education pursuant to subdivision (a) shall include a
23 written statement as to (1) whether the exclusive
24 representative of employees, if any, as provided in
25 Chapter 10.7 (commencing with Section 3540) of
26 Division 4 of Title 1 of the Government Code,
27 participated in the development of the waiver and (2)
28 the exclusive representative's position regarding the
29 waiver.

30 (e) Any request for a waiver submitted pursuant to
31 subdivision (a) relating to a regional occupational center
32 or program established pursuant to Article 1
33 (commencing with Section 52300) of Chapter 9 of Part 28,
34 that is operated by a joint powers entity established
35 pursuant to Chapter 5 (commencing with Section 6500)
36 of Division 7 of Title 1 of the Government Code, shall be
37 submitted as a joint waiver request for each participating
38 school district and shall meet both of the following
39 conditions:

1 (1) Each joint waiver request shall comply with all of
2 the requirements of this article.

3 (2) The submission of a joint waiver request shall be
4 approved by a unanimous vote of the governing board of
5 the joint powers agency.

6 (f) The governing board of any school district
7 requesting a waiver under this section of any provision of
8 Article 5 (commencing with Section 39390) of Chapter 3
9 of Part 23 shall provide written notice of any public
10 hearing it conducted pursuant to subdivision (a), at least
11 30 days prior to the hearing, to each public agency
12 identified under Section 39394.

13 SEC. 4. Section 41330 of the Education Code is
14 amended to read:

15 41330. (a) The Superintendent of Public Instruction
16 shall on or before July 15th of each year certify to the
17 Controller the amounts estimated to be apportioned to
18 each effective school district during the current fiscal
19 year on the basis of the report of the districts for the
20 second principal apportionment of the preceding fiscal
21 year, the amounts estimated to be apportioned to each
22 county school tuition fund and to each county school
23 service fund for schools and classes to be maintained by
24 the county superintendent of schools during the current
25 fiscal year on the basis of reports provided by the county
26 superintendent of schools, and the amounts estimated by
27 the Superintendent of Public Instruction to be
28 apportioned to the county school service fund during the
29 current fiscal year under subdivisions (a) and (b) of
30 Section 14054.

31 (b) Commencing in the 1997–98 fiscal year, the
32 Superintendent of Public Instruction shall include in this
33 certification the amounts estimated to be apportioned to
34 each school district during the current fiscal year
35 pursuant to the Class Size Reduction Program contained
36 in Chapter 6.10 (commencing with Section 52120) of Part
37 28.

38 (c) This apportionment shall be called the advance
39 apportionment.

1 SEC. 5. Section 41332 of the Education Code is
2 amended to read:

3 41332. The Superintendent of Public Instruction
4 shall, on or before February 20th of each year, apportion
5 to each elementary school district, high school district,
6 county school service fund, and county school tuition
7 fund the total amounts allowed to them under Sections
8 14054, 14057, 14058, 41790, 41800, 41810, 41811, 41840,
9 41841, 41863, 41866, 41882, 41884, 41885, 41886, 41888,
10 41950, 41970, 41971, 42004, 42005, 42054, 42055, 42056,
11 52122, and 52205, whichever are in effect. This
12 apportionment shall be called the first principal
13 apportionment.

14 SEC. 6. Section 41335 of the Education Code is
15 amended to read:

16 41335. The Superintendent of Public Instruction shall
17 on or before June 25th of each year apportion to each
18 elementary school district, high school district, county
19 school service fund, and county school tuition fund the
20 total amounts allowed to them under Sections 14054,
21 14057, 14058, 41790, 41800, 41810, 41811, 41840, 41841,
22 41863, 41866, 41882, 41884, 41885, 41886, 41888, 41950,
23 41970, 41971, 42004, 42005, 42054, 42055, 42056, 52122, and
24 52205, whichever are in effect. This apportionment shall
25 be called the second principal apportionment.

26 SEC. 7. Section 52122 of the Education Code is
27 amended to read:

28 52122. (a) Except as otherwise provided by Section
29 52123, any school district that maintains any kindergarten
30 or any of grades 1 to 3, inclusive, may apply to the
31 Superintendent of Public Instruction for an
32 apportionment to implement a class size reduction
33 program in that school district in any kindergarten or any
34 of grades 1 to 3, inclusive.

35 (b) An application submitted pursuant to this chapter
36 shall identify both of the following:

37 (1) Each class that will participate in the Class Size
38 Reduction Program.

(2) For each class that will participate in the Class Size Reduction Program, whether that class will operate under Option One or Option Two:

(A) Option One: A school district shall provide a reduced class size for all pupils in each classroom for the full regular schoolday in each grade level for which funding is claimed. For the purposes of this chapter, “full regular schoolday” means a substantial majority of the instructional minutes per day, but shall permit limited periods of time during which pupils are brought together for a particular phase of education in groups that are larger than 20 pupils per certificated teacher. It is the intent of the Legislature that those limited periods of time be kept to a minimum and that instruction in reading and mathematics not be delivered during those limited periods of time. For the purposes of this subparagraph, class size shall be determined in the same manner as provided in Sections 41376 and 41378 and any rules or regulations related thereto adopted by the Superintendent of Public Instruction prior to July 1, 1996.

(B) Option Two: A school district shall provide a reduced class size for all pupils in each classroom for at least one-half of the instructional minutes offered per day in each grade level for which funding is claimed. School districts selecting this option shall primarily devote those instructional minutes to the subject areas of reading and mathematics. For the purposes of this subparagraph, class size for each class participating in the program shall be determined in the same manner as provided in Sections 41376 and 41378 and any related rules or regulations adopted by the Superintendent of Public Instruction prior to July 1, 1996.

(c) A school district that intends to implement a Class Size Reduction Program for the 1996–97 school year shall submit an application for funds pursuant to this chapter to the Superintendent of Public Instruction not later than November 1, 1996. In order to receive the total amount of funding for which the school district is eligible pursuant to Section 52126, a school district shall implement the

1 Class Size Reduction Program by February 16, 1997,
2 within the meaning of paragraph (2) of subdivision (b).

3 (d) A school district that intends to implement or
4 continue to implement a Class Size Reduction Program
5 for the 1997–98 school year and any subsequent school
6 year shall submit an application for funding pursuant to
7 this chapter to the Superintendent of Public Instruction
8 not later than 30 days following the adoption of the annual
9 Budget Act for that school year.

10 (e) Any school district that chooses to reduce class size
11 through the use of an early-late instructional program is
12 ineligible to also use Section 46205, relating to the
13 computation of instructional time for purposes of the
14 Incentive for Longer Instructional Day and Year, in any
15 grade level for which class size reduction funding is
16 received pursuant to this chapter; provided, however,
17 that any school district that operated under Section 46205
18 prior to July 1, 1996, may receive class size reduction
19 funding pursuant to Option One in any grade level for
20 which class size reduction funding would otherwise be
21 received pursuant to Option One.

22 SEC. 8. Section 52123 of the Education Code is
23 amended to read:

24 52123. A school district's application for funding to
25 implement a program pursuant to this chapter shall
26 include the district's certification of each of the following
27 items as a condition to receiving any apportionment
28 under Section 52126:

29 (a) Certification of the number of classes in each
30 eligible grade level selected for a class size reduction
31 apportionment pursuant to this chapter.

32 (b) Certification of pupil enrollment, as of October of
33 the previous calendar year, in each class selected for class
34 size reduction pursuant to subdivision (a). Classes
35 comprised of special education pupils enrolled in special
36 day classes on a full-time basis shall not be included in this
37 program. School districts may not claim funding pursuant
38 to this chapter for any pupil who is enrolled in
39 independent study pursuant to Article 5.5 (commencing
40 with Section 51745) of Chapter 5 of Part 28 for the full

1 regular schoolday nor may school districts claim funding
2 pursuant to this chapter for any pupil for any portion of
3 the full regular day that the pupil is enrolled in
4 independent study pursuant to that article. Charter
5 schools may not claim funding pursuant to this chapter for
6 any pupil who is enrolled in a program of home-study for
7 the full regular schoolday nor may charter schools claim
8 funding for any pupil for any portion of the full regular
9 schoolday that the pupil is enrolled in a program of
10 home-study.

11 (c) Certification that a certificated teacher has been
12 hired by the school district and is providing direct
13 instructional services to each class selected for class size
14 reduction pursuant to this chapter and that there are not
15 more than 20 pupils per each such class. For the purposes
16 of this subdivision, class size for each class participating in
17 the program shall be determined in the same manner as
18 provided in Sections 41376 and 41378, and any rules or
19 regulations related thereto adopted by the
20 Superintendent of Public Instruction prior to July 1, 1996.

21 (d) Certification that the school district has a staff
22 development program pursuant to Section 52127 and that
23 the program has been approved by the governing board
24 of the school district.

25 (e) Certification that the school district will collect
26 and maintain any data required by the Superintendent of
27 Public Instruction that will aid in the evaluation of the
28 Class Size Reduction Program. The data shall include, but
29 not be limited to, individual test scores or other records
30 of pupil achievement. Any data collected shall be
31 protected in a manner that will not permit the personal
32 identification of any pupil or parent.

33 (f) Commencing with the 1997–98 school year and
34 each school year thereafter, certification that each class
35 reduced pursuant to this chapter is housed in either a
36 separate, self-contained classroom or that the space of
37 each such class for each grade level at that schoolsite
38 provides a square footage per pupil enrolled in each such
39 class that is not less than the average square footage per



1 pupil enrolled in those grade levels at that schoolsite in
2 the 1995–96 school year.

3 SEC. 9. Section 52128 of the Education Code is
4 amended to read:

5 52128. The State Department of Education shall
6 contract for an independent evaluation of the Class Size
7 Reduction Program to be completed on or before March
8 28, 2002. The costs of the evaluation shall be paid for from
9 funds appropriated to the department in the Budget Act.
10 The evaluation shall consider the data collected by school
11 districts pursuant to subdivision (f) of Section 52123. The
12 evaluation shall determine whether this program has
13 been effective in improving pupil achievement and shall
14 identify components of a successful class size reduction
15 program. The evaluation shall be submitted to the
16 chairpersons of the Joint Legislative Budget Committee,
17 the Assembly Committee on Budget, the Senate
18 Committee on Budget and Fiscal Review, the Assembly
19 Committee on Education, and the Senate committee of
20 Education, and to the Governor and the Director of
21 Finance no later than March 28, 2002.

22 SEC. 10. This act is an urgency statute necessary for
23 the immediate preservation of the public peace, health,
24 or safety within the meaning of Article IV of the
25 Constitution and shall go into immediate effect. The facts
26 constituting the necessity are:

27 In order to make statutory changes necessary to
28 implement class size reduction in the 1997–98 school year,
29 it is necessary for this act to take effect immediately.

